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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,458	08/25/1999	YOSHIHIRO WATANABE	21.1918	5255

21171 7590 12/22/2004

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EXAMINER

PIZARRO, RICARDO M

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/382,458

Applicant(s)

WATANABE, YOSHIHIRO

Examiner

Ricardo Pizarro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15, 17 and 21-23 is/are allowed.
- 6) ☒ Claim(s) 16 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 recites the limitation "wherein a channel type corresponds to a type of service provided by a channel of a path" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. There is no "channel" limitation claimed in claim 16 hence claim 20 it does not further limits the claim. Please also note that claim 16 is a method claim wherein steps are being included.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 16 and, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of admitted prior art.

Takahashi (US No. 6, 282,197) discloses an ATM switching apparatus, comprising: sending a plurality of messages from the subscriber to the switching system (SET UP message, col 2 lines 51-54, col 3 lines 1-5, after setup subscriber sends a CONNECT message , col 4 lines 3-5) to set in order of large bandwidth to small bandwidth the various bandwidth which correspond to

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multiple paths required to provide the service (e.g. QOS, Fig. 9, col 2 23-26 and 33-37, col 5 lines 9-10, col 16 lines 66-67, col 17 lines 1-9) , securing the bandwidth required between the service provider and the subscriber in order from large bandwidth to small bandwidth in response to the request message (e.g. QOS, Fig. 9, col 5 lines 14-20, col 16 lines 66-67, col 17 lines 1-9), as in claim 16.

Takahashi did not specifically disclose said plurality of messages being setup request messages, as in claim 16; ; wherein a channel type corresponds to a type of service provided by a channel, as in claim 20.

Admitted prior art (Fig. 2) discloses a subscriber sending a plurality of request messages (image setup o message, voice setup message in Fig 2) sent by subscriber A), as in claim 16; each channel type corresponds to type of service provided by the channel (image and voice provides by the channel inn Fig. 2), as in claim 20.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide a channel type of each different services provided to the system disclosed by Takahashi with the motivation of obtaining a switching apparatus capable of decreasing the probability of a connection establishing a request being rejected.

Allowable Subject Matter

3. Claims 1-15 , 17, 21-23 are allowed.

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Conclusion

4. Applicant's arguments filed on 11/19/04 have been fully considered but they are not persuasive. Applicant argues that Takahashi fails to disclose sending a plurality of messages from the subscriber to the switching system. Examiner disagrees since Takayashi discloses a SET UP message sent from the subscriber to the terminal, col 2 lines 51-54, col 3 lines 1-5, the same subscriber after setup sends a CONNECT message, col 4 lines 3-5 therefore subscriber sends a plurality of messages in order to secure the bandwidth between the subscriber and the provider.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9306.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kenneth Vanderpuye** can be reached on (571) 272-3078.

December 9, 2004

Ricardo M. Pizarro

A handwritten signature in black ink, appearing to read 'K. Vanderpuye', with a stylized, sweeping flourish at the end.

**KENNETH VANDERPUYE
PRIMARY EXAMINER**